

REMARKS/ARGUMENTS

The Applicants have carefully considered this application in connection with the Examiner's Action and respectfully request reconsideration of this application in view of the following remarks.

The Applicants originally submitted Claims 1-10 in the application. Previously, the Applicants elected Claims 1-8 and withdrew Claims 9-10. The Examiner then issued a Species Election and the Applicants elected Claims 1-3 and 5-7 and withdrew Claims 4 and 8. Presently, the Applicants have not amended, canceled or added any claims. Accordingly, Claims 1-3 and 5-7 are currently pending in the application.

I. Rejection of Claims 1-3 and 5-7 under 35 U.S.C. §102

The Examiner has rejected Claims 1-3 and 5-7 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent Publication No. 2005/0106459 to Kroupenkine *et al.* ("Kroup"). It should be pointed out that the Applicants filed a Petition to Accept an Unintentionally Delayed Claim Under 35 U.S.C. 120 for the Benefit of a Prior-Filed Non-Provisional Application, on or about January 30, 2009, and followed that Petition up with a Renewed Petition on or about July 31, 2009. On or about August 18, 2009, approximately one month after the Examiner issued the instant Examiner's Action, the Applicants' Renewed Petition was GRANTED by the USPTO. Accordingly, Kroup, which is the only reference cited by the Examiner in the Examiner's Action dated July 14, 2009, is not art to the instant application. Therefore, the Applicants respectfully request the Examiner to withdraw the §102

§102 rejection based upon Kroup.

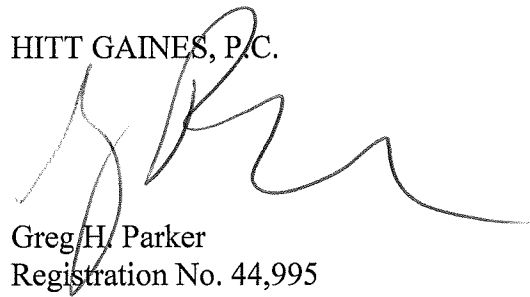
II. Conclusion

In view of the foregoing amendment and remarks, the Applicants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 1-3 and 5-7.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application. The Commissioner is hereby authorized to charge any fees, credits or overpayments to Deposit Account 08-2395.

Respectfully submitted,

HITT GAINES, P.C.

A handwritten signature in black ink, appearing to read 'Greg H. Parker', is written over the printed name and registration number.

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